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Attorney for Defendant Apex Financial Management, LLC

IN THE UNITED STATES DISTRICT COURT
OF THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD L. BARON,

Plaintiff,

vs.

APEX FINANCIAL MANAGEMENT,
LLC,

Defendant.

Case No.

NOTICE OF REMOVAL OF ACTION
UNDER 28 USC § 1441(a)

[DIVERSITY]

[Clerk's Action Required]

Please take notice that defendant APEX FINANCIAL MANAGEMENT, LLC, an Illinois Limited Liability Company (Apex), hereby removes this action from the Superior Court of the State of Washington for the County of King to the United States District Court for the Western District of Washington.

1. Defendant Apex is a party in a civil action brought against it in the Superior Court of the State of Washington for the County of King entitled: RICHARD L. BARON, Plaintiff, v. APEX FINANCIAL MANAGEMENT, LLC, Defendant, No. 09-2-33705-5SEA." A copy of the Summons and Complaint, Order Setting Civil Case Schedule, and Case Information Cover Sheet

NOTICE OF REMOVAL OF ACTION UNDER 28 USC
§ 1441(a)- 1
Case No.

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1 and Area Designation in that action are attached to this notice and constitute all process, pleadings,
2 and orders served on Defendant in that action up to the present date, and are marked as Exhibit "A".

3 2. The state court action was commenced when the complaint was filed with the
4 county clerk for King County, Washington on September 16, 2009. A copy of the Summons and
5 Complaint was served on Apex on or about September 21, 2009. Defendant has filed no pleadings
6 in this cause. This notice of removal is filed within 30 days after service of process.

7 3. As stated in plaintiff's complaint, plaintiff is a resident of Seattle, Washington.
8 Defendant Apex is an Illinois Limited Liability Company with its principal place of business in
9 Northbrook, Illinois.

10 4. Plaintiff alleges that defendant Apex violated 47 USC § 227(b)(1)(A)(iii), and RCW
11 19.86 et seq., allegedly making telephone calls to plaintiff's cellular phone. Plaintiff also seeks a
12 declaratory judgment for relief under the Washington Declaratory Judgment Act, RCW 7.24.010,
13 and certification as a class action.

14 5. This action is a civil action over which the court has original jurisdiction under 28
15 USC § 1332 and is one that may be removed to this court by the defendant pursuant to the
16 provisions of 28 USC 1441 (a) in that it is a civil action between citizens of different states and the
17 matter in controversy allegedly exceeds \$75,000 exclusive of interest and costs.

18 4. This notice is signed pursuant to FRCP 11.

19 Dated this 7th day of October, 2009.

20 DAVENPORT & HASSON, LLP

21 /s/ Jeffrey I. Hasson
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Attorney for Defendant-Petitioner Apex

NOTICE OF REMOVAL OF ACTION UNDER 28 USC
§ 1441(a)- 2
Case No.

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